IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 20595 of 2004

Between:

K. Dhanamma, W/o. Lokanadham, aged about 36 years,
Konabayani Indlu, Maddinenivaripalle Village,
Pakala Mandal, Chittoor District.

..... PETITIONER

AND

1 Mandal Revenue Officer, Pakala Mandal, Chittoor District.
2 Joint Collector, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or orders more so a Writ in the nature of Mandamus by declaring the action of the respondents as arbitrary, illegal, unlawful, unjust and inequitable and direct the respondents to release the stocks to me as per the provisions of the Essential Commodities Act and A.P. Public Distribution System Control Order.

Counsel for the Petitioner: MR.G.VASANTHA RAYUDU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

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ORAL ORDER :

The petitioner claims to be an authorized dealer of the Fair Price Shop No.14 of Maddinayanipalli Village of Pakala Mandal. It is stated that she was appointed as a dealer in the year 1995, and has been continuing as such without any complaint from any corner. While so, she fell sick in the month of August, 2004, and therefore, she addressed a letter dated 16-08-2004 requesting the 1st respondent to grant leave for a period of three months. During the month of October, she has recovered from her ill-health and made a representation dated 26-10-2004 to the 2nd respondent, requesting to release the stocks for the month of November, 2004. She has also enclosed the demand draft towards the cost of the commodities. However, her request has not been considered, and the stocks have not been released so far. Hence, this writ petition seeking a declaration that the action of the respondents is arbitrary and illegal and for a consequential direction to release the stocks to her for the month of November, 2004 and to continue the same.

Having heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing on behalf of the respondents and keeping in view that the representation of the petitioner dated
26-10-2004 is pending with the respondents, without expressing any opinion with regard to entitlement of the petitioner to continue as a dealer, the Writ Petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 26-10-2004 and pass appropriate orders according to law as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order. No order as to costs.

17th November, 2004.

Note:- CC in two days.

(B/O)

Dsr

To:

1. The Mandal Revenue Officer,

Pakala Mandal, Chittoor District

2. The Joint Collector,

Chittoor District

3. Two CCs to the Government Pleader

for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies.